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THE

CANADIAN CRISIS,

AND

LORD DURHAM'S MISSION

TO THE

NORTH AMERICAN COLONIES:

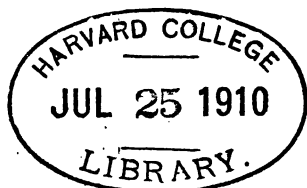
WITH REMARKS,

THE RESULT OF PERSONAL OBSERVATION IN THE COLONIES
AND THE UNITED STATES, ON THE REMEDIAL
MEASURES TO BE ADOPTED IN THE
NORTH AMERICAN PROVINCES.

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THE CANADIAN CRISIS.

CHAPTER I.

Extreme importance of Lord Durham's mission—Real state of Canada little known—Mr. E. Ellice's speech—Author's means of information on Canadian question—American settlers in Canada—Catholic clergy—Causes of discontent.

LORD DURHAM is about to depart for Canada. On him will soon depend the very existence, as colonies, of the British possessions in North America. If the measures pursued by him are judicious, our colonies are not only preserved, but will, in all human probability, make a progress, and attain a degree of prosperity, little anticipated by people "at home." Should he take a wrong direction in conducting the affairs of the Canadas, the consequences are sufficiently obvious, and may be disastrous in the extreme.

The late events in Canada have occupied so much of public attention, that it might be supposed by this time that the subject is pretty well understood in England, particularly as there is a

great national interest at stake. Yet the reverse is the case. The debates and speeches, both in Parliament and elsewhere, and the articles in print, with few exceptions, only serve to show a profound ignorance of the real nature and origin of the disturbances in Canada, of the position of those colonies and of the inhabitants, and an almost incredible misapprehension of the question in all its bearings.

Much, consequently, of the nonsense uttered and published on the Canadian question, is doubtless the *bond fide* result of sheer ignorance; but much misrepresentation was, and is, put forward to suit party views—to ground attacks upon the ministers, or are the *ex parte* statements of certain persons in Canada, repeated in Parliament and elsewhere. The mass of the community in England have in general little clearer idea of the Canadas, than the lady who is accused of explaining to her daughter that “Canada is a place over in America, where people go about in boats, and sing ‘Row, brothers, row, and all that!’” Even Messrs. Leader, Hume, &c., do not sometimes evince much more accurate knowledge of the inhabitants of those colonies, and of their neighbours in the United States.

Unfortunately, with one or two exceptions none of those connected with the Colonial Office and the administration have had opportunities

practically of knowing more of America than the above-named gentlemen; so that the debates on the Canadian question in our Parliament afford little better information on the subject than the articles in the French papers. The former are more plausible, and avoid the extreme absurdities put forward as usual by Gallic editors whenever they touch upon transmarine subjects, especially regarding English colonies; but they are for this reason less entertaining, without coming much nearer the truth.

Perhaps the only speech which may be read, and I trust has been heard, to some useful purpose, is that of Mr. E. Ellice. This embodies at no great length nearly all the leading points to which the attention of the mother country ought to be called.

Mr. Gladstone spoke sensibly on the subject, and although unacquainted practically with the colonies, advised with judgment, and a considerable knowledge of the general question.

But Mr. Ellice's is the only speech that really affords sound information on the whole Canadian question. Why is this? Many of the other speakers on the debate are men of more than ordinary talents and acquirements. Mr. Ellice made no effort; he came even unprepared previously to speak on the question; he makes no attempt at eloquence or persuasive argument, but *rem tetigit*.—Whence the great su-

periority of his speech over the "brave words" spoken with such copious redundancy by Sir William Molesworth, Mr. Leader, &c.? Mr. Ellice is practically acquainted with the Canadas and the people of North America. Mr. Ellice has a great stake in the colonies, and was in America very lately: seeing for himself, and observing with sagacity, and with the attention which a real interest in a country always excites, into the actual state of things in our colonies and the neighbouring states, he gives simply and effectively the result of his observations.

It may be thought that this is speaking somewhat *ex cathedra* on the subject of Canada; but the writer of this has had no ordinary opportunities (for an Englishman) of seeing and judging for himself on the Canadian question. He passed some years in America, and ten years ago made a tour in Canada, and passed some months on the "lines" (frontiers) of Canada and the United States. He was much in the state of Vermont, which has been lately, from its position and other circumstances, the head-quarters of the insurgents of Lower Canada and their abettors, particularly subsequent to their defeat. From Burlington, Montpelier, and other places in that state, were dated most of the inflammatory articles on the subject of the Canadian insurrection, and the very imaginative accounts of mili-

tary movements *in esse* and *in posse* that were manufactured to suit the tastes and purposes of the fugitive "Generals," "Colonels," &c., whether American or Canadian, and which were repeated, magnified by portentous anticipations of future defeat and disaster, by the Canadian party here.

Knowing personally, and being incidentally in a position to become acquainted with the leading persons on both sides of the frontiers, seeing and conversing freely with persons of all shades of political opinion, whether in Canada or in the United States, and without himself belonging to either country, yet connected with both, opinions and arguments were often freely urged in his presence with less reserve, both on the part of Americans and Canadians, than is usual when conversing with an Englishman. On revisiting the Canadas a year ago, and again passing through the places lately the scene of insurrection, and which were even then much agitated by political and party feelings and discussions, the writer availed himself of the opportunities afforded him of examining the real state of the Canadians both in Lower and Upper Canada, as well as that of their neighbours on the United States frontier. These are my credentials for venturing to impugn the authority of opinions and statements made by some of the "Canadian party" from *ex parte* statements, and under feel-

ings of political excitement,—and for stating my own impressions, the result of actual observation of the country, and prompted by an anxious interest in the welfare of our colonies as combined with that of Great Britain herself.

It is a pity that none of the leaders of the Canadian party had similar opportunities of obtaining practical knowledge of the subject that I have had. They would, if they did not in consequence form similar opinions to mine, which they might have supported much more ably, at least have abstained from uttering many things calculated to excite and mislead persons on both sides of the Atlantic.

The positive accusations of oppression and misgovernment that have been made in declamatory speeches, and the prognostications of an immediate attempt on the part of the government of the United States to profit by the disturbances in our colonies, are about equally well grounded.

While in the neighbourhood of Niagara, I had an opportunity of conversing with several Americans (by “Americans” is here meant persons from the United States, in contradistinction to Canadians) who had settled in Upper Canada; among others, with one who had considerable property in the province. He told me he had purchased land to the amount of 20,000 dollars within the Canadian territory. On inquiring what could induce him to prefer removing into

Canada, or placing himself under a government which must, we supposed, be disliked by all good republicans, he smiled and said, that, in the first place, one good reason for purchasing land in Canada was, that for an estate of equal size, and not so fertile, near Lockport, (in the United States,) he paid about ten times as much in taxes as he did to the Canadian government for his Canadian property ; that the soil was productive, and the surrounding country improving fast ; that as for the government, nothing could be more mild and tolerant, and that neither himself nor any of his American neighbours had anything to complain of on the score of interference or vexation from the local or other authorities of the province.

This I found confirmed by others in a similar position ; for there are many American settlers in Canada. It is true, however, that occasionally I found some dissatisfaction expressed in a vague manner, and, on close inquiry, elicited that there existed among many of those who had emigrated from the United States, a desire to see the forms of their own government introduced into Canada ; and it is natural enough that they should be prejudiced in favour of the forms and habits in which they had been educated. Their opinions and arguments had also, in a few instances, made some progress in converting the

English and Canadian settlers ; but it was remarkable that these sticklers for an imitation of the democratic system of the United States only succeeded among a few new-comers,—generally the lower class of Irish labourers, who, as if they wished for a grievance,—possibly from the force of habit,—adopted the discontented tone of their preceptors in politics, without in the least comprehending either the disadvantages under which it was asserted they laboured, or the objects of the proposed imitation of their democratic neighbours.

The Americans, however, could state their causes of complaint. With the exception of some, perhaps well-founded, remarks on the deficiency of the Canadians in energy and activity in commercial undertakings, public works, &c., as compared with their neighbours in the United States, (the true cause of which will be mentioned by-and-by,)—these consisted in their not having the power of electing their own officers, civil or military—their not having, for instance, the magistrates, including the highest, chosen by the people—and the path to the governorship—or the “Gubernatorial chair,” as they prefer calling it, open to them all. It would be useless to urge to Americans that this mode of government is completely incompatible with monarchy, and with the habits and principles that it generates ; and

difficult even to make them perceive that there are some positive advantages in the non-existence of the frequent elections and political contests occupying so much of men's time and attention in the United States, and taking them from more useful occupations. There are, however, some Americans who concede the point so far as to allow that within the circle of their own observation they have known more than one instance of men ruined or much injured by being elected governors, or members of the legislature, having been induced to interrupt their profitable and useful avocations ; the object of their ambition being an ill-paid and, for them, expensive post—exhausting their resources, and leaving them no choice but that of continuing to be claimants upon public favour for further elections to the miserably paid offices of their respective States. Attention to their farms, or business, would have probably secured them, in the same space of time as that occupied by electioneering, independence, if not wealth.

In fact, it is with public offices in America as it is with the peach-orchards in the middle states, the abundant produce of which one sometimes hears boastfully contrasted with the scarcity of the carefully raised fruit in England, with the remark, “ that we often feed our pigs with

peaches.” This is true enough ; but it is partly because most of the peaches are only fit for pigs to eat. The offices are doubtless open to every one in the United States, but are they worth having?

There can be no doubt that in many respects it is a great advantage to the Canadas to have their governors and others named by the government “ at home.” That there are some inconveniences resulting from it, is also certain. All systems of government, like other human institutions, have their defects ; but it is a positive advantage to the English provinces in America to be freed from the fermentation, bickerings, and political agitation of still-beginning, never-ending presidential elections.

One cause of discontent among settlers from the United States, under the present government of the Canadas, is worth mentioning, as a proof of the extraordinary and anomalous feelings of Americans on the subject of the slavery, or rather of the freedom of people of colour. It was gravely mentioned to me as a striking abuse, that a slave who could escape into Canada, or the other provinces, became free, and could not legally be replaced in the hands of his masters. Another grievance was the equality conceded to coloured people who were not taught “ to know

their station," as in the United States, and that these errors would soon be rectified under the American republican system.

Although the disturbances in Lower Canada had, in some measure, a different origin and character from those in the Upper Province, owing to the existence of a French population and other circumstances; yet those parts of Lower Canada bordering on the frontier of Vermont, and in the neighbourhood of Montreal, which were alone the scene of insurrection in that province, are in a very similar position in some respects to Upper Canada. An imaginary frontier alone separates them from the Americans; and at St. Jean, Chambly, and the numerous other villages, as well as at Montreal itself, great numbers of Americans are settled, and have necessarily had some influence in exciting the quiet and politically apathetic French Canadians, especially when the latter were imposed upon by the leaders in whom they confided, and induced to believe the most extravagant tales as to the state of things in England and in the colonies. It appears almost incredible to the newspaper-reading English who do not know Canada, that the Canadians could be brought to think that Queen Victoria was in durance, under the power of the King of Hanover, &c. &c.; but such is the simplicity of these poor people, and

their total ignorance of all that passes out of sight of the tin-covered steeples of their churches, that there is no doubt they were made to give credit to these and similar tales, and thus worked upon to take to arms.

The better and more wealthy classes of Americans in Canada almost universally opposed the insurrection; but a great many of the lower orders, and "those who were in debt, and those who were discontented,"* seized every opportunity of increasing the political differences and animosities which had been fermenting for years, and ultimately set the example of active resistance to the Canadian authorities in the first instance, and until it became dangerous. It must have been remarked that their proclamations, published harangues, calls for meetings, and resolutions, were all in English, and therefore could have little influence among the Lower Canadians. These publications were, in fact, made with a view to impress the Americans and English, both in and out of Canada, with an idea of the existence of a large party in Canada ripe for revolt, and are quite foreign to the habits of the French Canadians. The real action upon the minds of the

* Mr. ("General") Brown, for instance, was a "merchant who had been unfortunate in business:" *Anglicé*, a bankrupt shopkeeper in a small town in Vermont, who settled at Montreal.

Canadian peasantry was produced *vivâ voce* by a few of their countrymen of the higher classes, and by the active agency of foreigners domiciliated among them.

That the clergy, with very few exceptions, are favourable to the British dominion, does not admit of a doubt ; nor did a Roman Catholic feeling mix itself at all with the question that excited the Canadians. The French population showed in the last war * their readiness to defend

* In the affair of Chateaugai, a corps of 900 French Canadians, without artillery, defeated a body of American troops, 7,000 strong, with 10 pieces of cannon : the largest regular army ever brought into the field by the United States. Their combined movement against Montreal, in 1814, of 15,000 men, was thus completely frustrated. With the exception of one, or perhaps two, individuals, the whole of these gallant defenders of the Province were French Canadians and Catholics.

The American papers are very indignant at the late mention, in some English papers, of the general now employed on the frontier, as " a General Scott," and asks how it is possible that his name should be unknown to the English, against whom he was successful, they affirm, at a variety of places, the names of which have probably never in a single instance been known on this side of the Atlantic, beyond the week in which they were mentioned in the newspapers at the time of the engagements. But ought they to be surprised at this, when the different affairs in which we were victorious are almost as little known on this side the Atlantic ? Not one in five hundred of the English readers ever heard of the battle of Chateaugai for instance, or know where the place is. I recollect an English officer, about to be presented at a foreign court, being asked whether the word " Bladensburg," which he wore on his accoutrements, (in

themselves against the Americans. Besides, the clergy possess, under the existing system, many advantages. Not only are they paid by the government, but their property in seigneuries, &c. is respected; and they know that a great change for the worse in their position would be

commemoration of the signal defeat of the Americans, near Washington,) was the name of a place in India or not! and this by the representative of his own country.

I do not mean to excuse this ignorance of American affairs in our countrymen; I merely mention it as a fact. After all, the occurrences that take place three or four thousand miles off, and that only reach our ears through newspapers, and the accounts of travellers, "*seignius irritant animos*," do not arrest our attention and come home to us like the events that pass among ourselves and our neighbours in Europe. The Americans are just as ignorant of European affairs, and have the strangest misconceptions of events and persons out of their own country.

On the other hand, the Americans cannot be accused of the fault of underrating or being indifferent to their own advantages. In mentioning the last war, they invariably speak of one uninterrupted series of successes, both by land and sea. The capture of their capital, and the destruction of its public buildings, as a partial retaliation for the total destruction of York, (the capital of Upper Canada, now called Toronto,) they often affect to resent as an outrage! and the slight specimen that they were made to feel of the evils of war, in the destruction of their commerce, and by the different attacks along the coast, they are wont to represent as unheard of scenes of wanton violence. Had they but the slightest experience of the real horrors of war, as carried on by the French in Spain, Germany, and indeed generally by all armies of every country, they would find reason to congratulate themselves on the moderation with which they were treated.

the inevitable result of their coming under the dominion of the United States.

In general the French Canadians have little or no sympathy with the enterprising, dollar-getting, unscrupulous, democratic, and innovating American borderer. They cling to old habits, forms of religion, their seigneuries, their laws and institutions, however defective ; and even their principal "agitator," Mr. Papineau, is by no means an exception to the general character of his countrymen. As Washington Irving says of the ancient Dutch inhabitants of New York, they regard their Yankee neighbours and settlers among them "with great respect and abhorrence." The Canadians are by no means good colonists for an unexplored, uncleared country. It appears singular to attribute this to their form of religion, yet it is the chief cause of their comparative inferiority as settlers. They are punctually, even superstitiously attentive to their duties as inculcated by their clergy ; consequently they attend mass, and the other observances of their church, very exactly. The result is, that they cannot go very far from the church, or the residence of their priests, without great inconvenience. An English or American "pioneer" settler thinks nothing of going off into the woods, many miles from any human habitation, and cutting down trees, and building his house, whether

there is a church within reach or not. This a Canadian will not do. In general, if they are worse colonists in consequence, they are more docile, inoffensive, and easily governed than the Anglo-Americans. There is an exception in general habits among the class of hunters and voyageurs, who are often, however, half-Indians.

The extreme facility of intercourse across the frontier, mutually, between the Canadas and the United States, has in some measure modified the character of that part of Lower Canada bordering on "the States."

The surprise expressed by Europeans at the absence of all the precautionary arrangements to which they are accustomed on crossing a frontier has often struck me. On one occasion, when proceeding in a steam-boat up Lake Champlain in company with some members of the corps diplomatique from Washington, I observed some of them opening and examining their pocket-books and portfolios when they imagined that we were approaching the frontier (near the Ile aux Noix). I was asked by one or two of them to let them know when, and to whom, they were to exhibit their passports and open their trunks for examination; and they were not a little astonished when told that the "lines" were already passed, that no passport was ever required, and that out of courtesy to their official functions, no

examination whatever was to take place. This is equally the case whether proceeding from or to Canada, and long may it be so. There is a custom-house examination, or rather the form of it, observed with respect to passengers in general, but so slightly and so civilly performed, that no one can complain. I have never witnessed any examination whatever in crossing the frontiers by land, or at the ferry below Niagara, although a right of search of course exists.

But it may be asked, are there no causes of discontent in Lower Canada—was the late insurrection solely occasioned by external influence, and are there no grievances, the result of defective government, which really require a remedy? That there are such, no man of common sense can deny. I know of no government that is faultless, and a colonial possession governed from a distance is more likely than others to be defective. But the faults of that government have been put forward in a very false light, and with much *ex parte* exaggeration in Parliament; and it is either a great mistake, or very unfair, to attribute the evils of Canada to the present ministry. The present state of things in Canada is the work of many years. The germ of the actual discontent existed from the very moment of the Canadas becoming an English possession.

In almost every conquest made by Great Bri-

tain, where there has been a capitulation or formal cession, one article has been invariably admitted with a fatal facility, viz. that the conquered inhabitants shall continue to be governed by their own laws, and preserve their own language. There are other minor points injudiciously allowed to pass. But this is the true *teterrima causa*, the real origin of the difficulties and unpopularity of the English in their foreign possessions.

No doubt the clemency of the concession appears theoretically fair and praiseworthy, and proceeds from the best motives of indulgent conciliation. It is, nevertheless, a fatal mistake. The gentlemen who are the advocates for Canada, or are deemed such, would, of course, loudly censure any infringement of these natural as well as ceded rights; for, as such, they probably consider them. But the concession is fraught with evil; and were there no legal authority for rescinding them, they ought, *ex necessitate rei*, and for the mutual advantage of the colonies and their possessors, to be abolished.

What is the result of these concessions? that laws the most defective, and that have been abolished in every part of Europe, and in all its dependencies, find their last refuge and asylum in British territories. In the West Indies, in Mauritius, &c. &c., similar admissions have en-

tailed upon us the administration and practice of laws totally at variance, in spirit and in letter, to our own jurisprudence, and indeed to that of all civilized countries of the present day.

The remnants of old Spanish, Dutch, French, and other laws have, by our conscientious Quixotism, been preserved in English possession. And while the defective French laws and institutions (of Louis XIV. and XV.'s time and previously) have disappeared from the code of France and of all her possessions, parts of the British dominions remain subject to *les us et coutumes de Paris*. And our lawyers have to study the *coutume de Normandie*, and to plead in a foreign language.

The effects of the preservation of the old laws, however defective, are not so fatal as those which result from the continued use of the language of the conquered colony. By strengthening national prejudices and enmities, it makes the line of demarcation between the governors and the governed more distinct, and causes an additional difficulty in producing that gradual union and amalgamation which are so desirable.

Well did M. de Talleyrand perceive and point out, years ago, in his pamphlet on the United States, the vast moral and even political influence which is exercised by the power of language.*

* He shows that, in spite of political predilections, and the

The Canadian party would probably accuse any administration that should try to do away with these stumbling-blocks in the way of all real union between England and her colonies, of injustice and tyranny ; but whatever may be said of these gentlemen in other cases, they are in this instance by far too " Conservative." The endeavour to prop up the decayed edifice of antiquated laws is full of mischief ; and, as regards the use of the French language, if " words are powerful things," why encourage the use of such dangerous weapons of foreign manufacture, in the management of which we must always be inferior to our opponents ?

The example of the United States is appealed to frequently by the advocates of Canada. Do the Americans adopt the language and laws of their acquired states ? Not at all. Whoever visited Washington some years ago, might have seen in the senators from Louisiana a proof to the contrary. One of these gentlemen, M. B., did not even understand English, and was obliged to inquire of his colleague the meaning of the debates on which he had to vote. Neither

efforts of successive administrations to foster a good feeling towards France in preference to England, the moral and general influence of England, and of her literature and opinions, were too powerful to compete with ; and attributes this influence chiefly to the effects of community of language.

in respect to Louisiana nor Florida, nor in the German part of Pennsylvania, is it thought necessary to make any exception — the English language is that of the constitution, the general government, and the laws. This is not complained of, nor is it found practically to be injurious to the interests of those States. But it is found to bring about imperceptibly a sense of community of interest and homogenous feeling, notwithstanding the great extent of the "Union," in which the interests of the inhabitants are infinitely more various and conflicting than are those of the Canadians.

But some causes of discontent have long existed in the colonies, which in Lower Canada, combined with the disuniting tendency of different national origin and the use of two languages, contributed to produce the late disturbances. The appointments to the different posts and employments in the local government were too exclusively confined to the English; and the importation of place-hunters by successive governors naturally enough caused some discontent among the native Canadians. Although this cause of complaint has been much corrected of late years, the effects of the system have been of the worst tendency. When the Canadians saw young men who had either not succeeded in other places, or were nearly ruined by extravagance, named to fill the

best posts in the province, or rather to receive a salary, and appoint a deputy, at a moderate stipend, to perform their duties, the abuse was too obvious to pass unnoticed. Still these errors have been much magnified for party purposes, and latterly have been avoided.

Another source of bad feeling and estrangement between the upper classes of Canadians and our government and its officers, was the injudicious conduct of some of our governors towards the native population. I do not now allude so much to the political dislike of M. Papineau and others: that was, in the opinion of many persons, most injudiciously manifested some years ago. At that time M. Papineau might have, perhaps, been made as efficient a supporter of the government as he has been its bitter opponent. A man of property and intelligence, with a large share of vanity and ambition of a certain sort, and, notwithstanding his violence in debate, of more than suspected personal courage, he might have been neutralised as a political enemy, if not conciliated as a useful ally. But the government of Lower Canada then followed a system little calculated to make friends among the French population.

It was, however, more particularly the social differences that were drawn by the higher authorities, that alienated and irritated the upper classes of the French population. At the gover-

nor's table, or at the balls, at the castle of St. Louis, a traveller would have hoped and expected to meet the best French society of Quebec, and that there would have been a disposition shown by the higher powers to conciliate the Canadians, and do away with all invidious distinctions ; or if a difference in demeanour were observed towards the native society, that it would rather be in showing a greater degree of courteous and encouraging hospitality to the descendants of the conquered colonists, than towards their own countrymen, whose position was less delicate. I regret to say that, with few exceptions, the reverse was the case, and in the palace of the governor, and among the society of his family and dependents, a stranger could have little opportunity of knowing or seeing any of the French society.

These remarks refer to what was the case some years ago ; and although it may appear singular to attribute serious results to such trifling causes, yet there is no doubt that much of the embittered and hostile feeling respecting the English local government that now exists among a part of the French Canadians, was occasioned or fostered by the neglect with which they were treated, or the positive slights they met with from those whose duty and policy it ought to have been to

conciliate the descendants of the ancient possessors of the colony.

The demeanour of the officers, civil and military, by whom the governors are surrounded, or who compose his family, is also of more importance than may at first seem probable. To be convinced of this, it is only necessary to have witnessed the feelings of dislike and irritation produced by the mere exhibition of the affectations of English dandyism, often without any intention of offence, on the part more particularly of the younger officers in our colonies, and generally by the English in foreign countries. I do not now speak of the assuming swagger of mustachioed and long-spurred military and other pretenders to exclusivism, who occasionally show their ill breeding, and take *le haut du pavé* in the streets of Quebec or Montreal. I hope such instances are exceptions, and must always be condemned.

At best, the sort of cool indifference of manner of the English, contrasted with the greater degree of *prévenance*—or demonstration of courtesy, of foreign habits, is often offensive enough to the inhabitants of the continent. But when exhibited in a conquered colony of French origin, and joined with a certain assumption of superiority, it becomes insufferably disagreeable to the inhabitants. The popularity of the Eng-

lish is also not increased by the tendency common to most of them when abroad, to transplant the conventional standard of manners and habits of their own society into that of which they temporarily form a part; and to endeavour to introduce the strictest imitation of the usages of English society, in modes of living, hours, &c. &c., rather than to adopt, even in a modified form, the customs of the country in which they are.

Yet, without some degree of concession to the habits of other countries, the English are ever likely to remain nearly strangers to the people among whom they may dwell, and not unfrequently render themselves extremely unpopular, and much diminish any hope of an ultimate cordial union. This in our colonies is to be deplored, and might, one would think, be avoided, were its consequences appreciated.

The accumulation of different and often incompatible posts and employments in the person of certain individuals is another, not unfounded, cause of complaint, that would admit of easy correction.

One of the causes of dissatisfaction brought forward in the resolution of the House of Assembly of Lower Canada (of February, 1834) sufficiently proves that, however much at variance with the head of the government in Canada, the framers of those resolutions were by no means

favourable to a union with the United States. They complain of the admission of Americans (Messrs. Gates, Jones, and others) to the privileges of Canadian subjects, and they evince a considerable degree of jealousy of any American influence in their representation.

But a detailed examination of the alleged or real causes of the present state of Canada, is here unnecessary, and would exceed the limits of a pamphlet. Without, therefore, stopping to determine whether former Tory Administrations at home are solely to blame ;* without asking Sir Wm. Molesworth whether the local governments of Sir James Craig or Lord Dalhousie are chiefly in fault; or begging the Duke of Wellington to decide whether the Lord Ripon or Lord Stanley showed greater generosity, or *niaiserie*, in dropping the reins of government, by giving up the control of the revenue without any security for the fulfilment of their supposed conditions,—or whether, as is more probable, the present troubles arise from a combination of various and complicated causes beyond the control of any Ministry, and for which none can be solely responsible, let us endeavour to point out, from practical observation of the state and wants of the colonies, what measures with respect to them are most likely to be beneficial.

* Vide debates of January.

CHAPTER II.

What measures advisable—Not a party question—Time not arrived for a separation—Extraordinary powers required—Lord Durham—Colonies should be anglicised—Great changes necessary—Union of the Provinces—Direct Representation of Colonies in Parliament—Freedom of Commerce—Commercial Restrictions not necessary.

FROM whatever cause arising, a state of things now exists in Canada that calls for immediate remedy. What measures are most likely to contribute to the welfare of the colonies, and to strengthen the bonds that unite them with the mother country?

Let us approach this subject without the slightest bias, if possible, of party feeling. It is neither a Whig nor Tory question. (The Radical party throw it out altogether by proposing a separation from the colonies.) It is an English question, one in which British interests are more involved than perhaps at first sight is apparent. I hoped that, on this occasion, the jealousy and virulence of party spirit would have given way to an elevated British feeling, and would have induced men and statesmen of all parties to

concur with the government in endeavouring to settle advantageously this difficult and delicate question. That, at all events, no impediments would have been wilfully interposed, no embarrassment vexatiously attempted, from mere party or personal motives. I fear I was mistaken. I have been too long and too frequently out of my own country to appreciate justly the force of party feeling. Although, on the first proposal of ministers to send out Lord Durham with full powers to remodel the government of the North American colonies, Sir Robert Peel did not make it a party question, and seemed willing to consider it an exceptional case, and that it was not advisable to add to the difficulties with which it was already surrounded; yet, on a subsequent occasion, a strong party effort was made to throw odium either on the measures or the men brought forward by the government, and in a manner that, to say no more of it, was not straightforward, nor calculated to produce any good effect.

I suppose the opportunity was too tempting to be resisted—the ministers being unprepared for a muster of votes; afforded—parties being so nearly balanced* as they are

* It is a subject of regret that England has not at this moment a strong government, one backed by a powerful and certain majority. It matters little at this moment, when “conservative Whigs,” and “liberal Tories” are so numerous, as far as her foreign interests are concerned, whether there is a Whig or Tory administration. An Englishman, who like

at present—an opening for a hostile attack, the result of which might easily have been a majority against them, and thus an appearance of the disapprobation of Parliament of the whole measure would have gone forth to the public on both sides of the Atlantic. Could the effect of this have been advantageous to British interests? It is useless to say that the division on Lord Chandos's motion was on a mere question of

myself has lived much in the other countries, and sees only from a distance the parties that alternately rule his country, loses much of the bigoted adherence to party feeling which is kept up by being continually in contact with those of an opposite creed in politics. He knows well that either in the Whig or Tory ranks are to be found a sufficient number of English gentlemen having the real interests of their country at heart, to form an administration. His is a sort of catholic English feeling, that includes different shades of politics. He has reason, however, to wish that whatever party may predominate, the government should be sufficiently strong to enable it to carry its measures fully and usefully into effect, and it is particularly as relates to British influence in other countries, that this is desirable. The inevitable result of a nicely-balanced state of parties is to imprint a character of vacillation and want of vigour on the acts of a government. This apparent want of decision and energy is then made a reproach in Parliament by the opponents of the ministry. Yet to whom are we to attribute the inefficiency of measures, which, if they with difficulty pass unharmed through one house, are nearly certain of being castrated in the other? Certainly not to those who brought forward the measures, and did their best to shield them from mutilation.

Is a strong practical government incompatible with a *really* representative system? The example of the United States, and latterly that of other countries, almost tend to prove it.

economy,* a simple examination of accounts and estimates which Parliament has a right to ask. Such may be the letter of the motion, but the spirit was a wish and intention to throw a degree of odium on the whole mission of Lord Durham to Canada, and it is in vain for the leaders of the

* And still they cry "retrench!" The call for economy is a sure card with every party that looks for popularity, and therefore we need not be surprised at it being now a Tory cry; but it is as trite as it is true to say, that retrenchment may be carried injudiciously far. In our foreign relations particularly, this has been the case. "*Les absens ont toujours tort*;" and in English diplomacy a man is either employed abroad, or when at home, is there but for short intervals. If on a retired pension, he cannot, by a most partial and, at the present day, motiveless rule, sit in Parliament. If he happens to be a member of the House of Lords, or to abandon his pension, he is of course generally in circumstances that render the continual reductions in diplomatic allowances comparatively indifferent to him; consequently, when the cuckoo cry is raised, of reducing our "over-paid diplomatic establishment," he cannot get up and explain that, so far from being over-paid, in most residences of our ministers abroad, the salaries barely serve to pay the expenses of their missions, if they live as becomes British representatives, or even as English private gentlemen, without leaving anything as the reward of services, or for future provision;—that, when compared with the ambassadorial allowances, direct and indirect, made by some other powers, Russia, for instance, and Austria, the English salaries are small. And that unless it is intended that none but men of large fortune, like Lord Durham, to whom a salary is a matter of indifference, should be employed in diplomacy, the present system is very injudicious.

The sums quoted in Parliament, in the late debate on the

opposition to attempt to disguise to themselves or others the true *animus* of their attack. Every man of common sense must see this.

The question, however, has been conceded on all parts, that a crisis has arrived in Canada, calling for extraordinary measures. The old system of government will no longer work, and it is absolutely necessary to re-model the administration of the colonies.

A mode of cutting the difficulty at once is proposed by some persons in this country, viz. An immediate separation from the North American colonies, and an acknowledgment of their independence ;—that I cannot for a moment entertain.

Some years of acquaintance with those colonies, and personal and careful observation of their position and progress, has convinced me that the moment has not come for a separation. That such a measure is totally uncalled for, and would be extremely disadvantageous both to the colonies and to Great Britain. It would not be difficult to adduce many facts in support of this opinion, but it is unnecessary. Very few in Par-

expenses of Lord Durham's mission, as having been spent on a few missions in different countries under former administrations, would make the present amount of the current expenses of our whole diplomacy appear very inconsiderable, even with the addition of the anticipated expenses of the mission to Canada.

liament seem seriously to recommend a separation, and both Whig and Tory unite,* with proper British feeling, in not wishing to repress, but to encourage, the desire of remaining fellow subjects and countrymen that animates the far greater part of Transatlantic Englishmen. For, with the exception of the French Canadians,† the bulk of the inhabitants of the North American colonies are, in fact, British in feeling and principle, and often in birth and habits.

All parties having agreed that at this critical moment extraordinary measures are required, the appointment of a "Dictator" (or by whatever name the new governor may be called) becomes necessary—to put an end to the defective system hitherto followed, to clear away the ruins of the old edifice of colonial government, encumbered as it is with antiquated remains of feudal laws, or the impediments of contradictory and incompatible principles of legislation; and, having thus secured a foundation, to reconstruct and firmly establish a new and practicable form of government, calculated to promote the welfare of the colonies, and to strengthen their union with Great Britain. To do this, it is absolutely requisite that discretionary powers, as

* Vide late debates—Mr. Gladstone and others.

† Nor are the French Canadians *generally* favourable to a separation, notwithstanding late events.

nearly unlimited as possible, should be delegated to the authority chosen by the crown. It has been said that such great power ought to be vested in a board, or in a commission composed of several persons, rather than be entrusted to any individual. But whoever has well considered or witnessed the effects of giving, in grave matters, particularly when promptitude and energy are required, power to a board, even consisting of but few persons, and of dividing, and thus almost virtually destroying, the great responsibility necessarily attached to the exercise of such power, will hardly defend such a course. All such boards or commissions have in them the inherent defects of the worst of all possible modes of government—that of a bureaucracy.

The individual chosen must then be invested with great power, and proportionate responsibility. Even Mr. Hume* allows that in this instance most extensive power will be required. As to the choice of the individual, whoever may have been fixed upon, government cannot expect to escape the imputation of party and personal motives in selecting him. This is too much a matter of course to require comment.

It appears, however, very difficult for ministers to have named a man more fitted for the arduous

* Vide debates of 16th January.

and important charge assigned to him. His rank, position, and great wealth, afford presumptive evidence, without reference to additional proofs offered by his personal character, that he can have no inducement to accept the post confided to him, but a wish to discharge his duties to his sovereign and his country. The natural reluctance which Lord Durham feels and has expressed at leaving England on this mission can readily be believed, and shows that he is fully aware that the seat of the dictator of Canada is not likely to be exactly a bed of roses.

His great ability and intelligence are allowed even by his political opponents. He has been reproached with the want of a conciliatory manner, with defects of temper, and with a haughty distance of demeanour, a *morgue aristocratique*, in private intercourse, that, it is affirmed, unfit him for such a post as that which he is about to occupy. I know not how far the imputation may be justified, but every one knows that the general appreciation of the private character of public men is often most erroneous. The effects on the manners, and temper of mind, of ill health, and domestic and deep affliction at untimely losses, may often be misinterpreted, particularly in the man of high rank, and of public notoriety; and their effects attributed either

to the reserve of pride, or to contempt of public opinion : but it matters little in the present case. The evils in Canada are not now of a nature to be remedied by any degree of urbanity in personal demeanour, or by the frankest hospitality of a kind and happy temper. Had it been so, Lord Gosford ought completely to have succeeded. It is by serious and important changes in matters of deep importance, that Lord Durham must hope to secure the prosperity of the colonies. Were he to keep individually entirely aloof from social intercourse, (not that it is meant that he is likely to do,) it need not affect the success of his measures. In one respect, a sort of isolation is highly necessary ; and that Lord Durham clearly understands the nature of his arduous duties in one of its most important points, is shown when he says* that he will not be influenced by any party† in the Canadas,—“neither by the English, nor the French, nor the Scotch party,” &c. Losing sight of this salutary impartiality of feeling was the source of much harm and irritation under former governors.

* Vide Lord Durham's speech in the Lords, 18th January.

† The violence of party spirit in Canada, in Lower Canada especially, is quite remarkable. At public dinners by the different societies at Montreal, (the St. George's, St. Andrew's, &c.) Lord Gosford's health was not drunk on account of his supposed partiality to the Canadians. On the other hand, he has been reviled by the (chiefly American, however) patriots for his tyrannical oppression of the French.

One of the first remedial measures of a new government of Lower Canada ought to be an endeavour to Anglicise that colony ; to render it English in laws, language, and hence ultimately in feelings and habits. Mr. H. G. Ward* judiciously asserts the absolute necessity of this. The importance of rendering the English language an engine for this purpose has already been noticed. That to infuse a British feeling among the French Canadians, and to cause finally that population to melt into a general Anglo-colonial nation, will be a work of time, is certain ; but the foundation for such a consummation should be immediately laid.

In the United States we see daily their population, of heterogeneous origin, French, Dutch, German, Spaniards, and Swedes, absorbed into the general English, or, as they call it, Anglo-Saxon population, without difficulty, and with sufficient rapidity. There need be no obstacle to a similar result in our colonies. The increase in population of our colonies has been more than equal, (as Mr. Gladstone truly observes,) has far surpassed that of the United States, and the vast tide of emigration from Great Britain will continue to give a preponderance to the British population, and assist in the work of Anglicising the Canadas.

* Vide debates of 17th January.

Mr. Roebuck himself complains of our making the Canadians *French*,* and keeping up their Gallic nationality. But that gentleman would, perhaps, dispute the legality or constitutionality of the necessary changes. Let it be borne in mind that we proceed on the supposition, that a *dignus vindice nodus* exists ; that extreme measures, such as the appointment of a Dictator with great and discretionary powers for instance, are necessary. This in itself supposes the cessation or suspension of all constitutions or privileges hitherto granted. That there is an open field, *carte blanche*, for a new system of government. Whether approved or not, such is the fact ; and, for any useful purpose, less than this would not do, and Lord Durham is sent out to do good.

We must go back to 1763, and begin upon a totally new principle. It has been said in Parliament, that we are to look upon the constitution of Canada as *de facto* suspended, not *de jure*. But surely the real view of the case is, that we should look upon the ancient system as *de jure* abolished *in toto*, and only preserve,—as in all practical application of reform must be more or less the case—*de facto*, such parts of the machinery of government as are useful, and requisite for carrying on any government whatever.

Nor would legal grounds (were such technical

* Vide his Speech, 22nd January.

authority requisite, when the necessity for great and unprecedented measures is proved) be wanting, on which to establish the forfeiture by the Canadians of their ancient *quasi* charter. They *legally* have even forfeited their heads by their taking up arms against their sovereign. It has been urged by great authorities, Why punish a whole people, why include, with sweeping injustice, for the faults of a comparatively small part of the population, the whole colonies in a forfeiture of rights, privileges ? &c. But is it said that Lord Durham goes out only to enforce penal measures; that his is a mission of vengeance and castigation ? I conceive the contrary to be the case ; and if he substitutes for a faulty and antiquated system of legislation, an improved civil code in harmony with other British institutions—should he make organic changes for the advantage of all parties, and establish a system calculated to increase the prosperity of the colonies in connexion with that of Great Britain, let us at least wait until we find that the inhabitants of the colonies themselves consider such changes as “ punishments,” before we condemn the whole proposed measure.

To those who appear to apprehend the possible abuse of such unlimited powers as those necessarily granted on the present occasion, it may be well to recal the nature of martial law, as now actually in force in Lower Canada. When

a law so peculiarly liable to abuse as that has been required, the execution of which is necessarily confided to so many hands, and, of course, often to persons liable to be influenced by passion and local prejudices and feelings,—when such a law has been found indispensable, let them not be alarmed at the power conferred on a supreme temporary head of the government of the colonies, always subject, however, to recal, and to the control of the British sovereign power,—whose every act,—whether he be inclined to make an injudicious use of his power or not,—will be watched with intense and often not favourable interest.

If he is not considered a fit man for the great trust reposed in him, do not send him; or, if he be found wanting on trial, recal him, but do not, in deference to narrow legal opinions,* and in the fear of conferring powers that may be turned to evil, deprive him of the means of doing good.

The union of Upper and Lower Canada under one constitution, will be an indispensable measure for ensuring the future prosperity of the colonies. The most judicious speaker in Parliament on the Canadian question, Mr. E. Ellice,†

* Sir Edward Sugden, however, allows the legality of any proposed changes, and the lawyer sees at once the advantage to be taken of the forfeiture, by the Canadians, of their legal position.—Debate of 23rd January.

† See Mr. E. Ellice's speech in the debate of 26th January.

plainly states his conviction that this will be advantageous. But to render the whole of the British possessions in North America more really a part of the English nation, it will be advisable that all the colonies—on the continent, at least—should be included under one *really* general government. The provinces of New Brunswick and Nova Scotia are so strongly British in feeling, that they will powerfully assist in strengthening the feelings of union with and attachment to England that ought to pervade any general assembly of the representatives of our colonies. If necessary, let them so far imitate the United States, as to have a separate legislature for each province, (for merely local purposes of administration,) particularly until improvements in the internal communications, by the introduction of rail-roads, the opening of canals, &c. have diminished the difficulties of reaching the place that may be fixed upon for the meeting of the General Assembly.

The latter plan would be more especially ad-

I cannot do better than refer the reader to the whole of that speech, for a sound exposition (as far as it goes) of the Canadian question, the result of practical experience and sagacity. I was not in England when I received the papers containing that debate, and I cannot express how much I was gratified by seeing such sound opinions and advice given in season. The only alloy to my satisfaction at its perusal was, perhaps, a feeling akin to that which dictated the "*pereant qui ante nos,*" &c.

visable, should it be thought right ultimately to admit, as has been more than once suggested, representatives from the Transatlantic Provinces in the British Parliament. I am well aware that this proposition is of a nature to startle many of those who have never considered the altered position of those colonies, as compared with their situation some years ago. Their distance from England no longer presents such difficulties in communication as to prevent the execution of the plan; the late improvements in steam navigation,* which are every day producing results the most unexpected and astonishing, will, without doubt, before a year has passed, shorten the passages to America (already often performed in sixteen days or less) so much, that the physical and geographical obstacles to a direct representation of the colonies in the British Parliament will nearly disappear. The members from the Orkneys or the Hebrides have often experienced greater difficulty in reaching London than are met with in a voyage from America. Some years ago the time required for a journey from the Land's End, or Johnny

* Not to mention the enormous steam-vessels at present on their way to New York, there is a steam-vessel on a new construction (Howard's Patent Vapour Engine) at this moment proceeding to America from Liverpool, which navigates with one-fourth the usual quantity of fuel, and will thus overcome the principal difficulty in long sea voyages,—viz. the necessity of a large supply of fuel.

Groat's House, would have required much more than the present usual passage across the Atlantic. Even now, the members of the American Congress, from Louisiana and other distant States, are often longer on their journey to or from Washington than they would be in coming to Europe.

Nothing, perhaps, would tend more to unite the colonies with Great Britain, than such a direct representation in Parliament; with a provincial or colonial legislation in America for their local and home administration. But whether this would be too much out of the usual routine to be easily adopted, or whether a colonial general government for all the colonies should be preferred,—one great salutary measure has now become necessary to give to the colonies the full measure of prosperity which they are capable of enjoying: I allude to a complete removal of the present restrictions on foreign commerce. This idea is so contrary to all usually received opinions on the subject of colonial government, that it will doubtless meet with hosts of opponents. But let us consider the results of the present commercial restrictions, and the probable effects of a more liberal system.

When I first heard of Lord Durham's acceptance of the supreme command in Canada, I could not help wishing that he might proceed by way

of the United States, in order that he might be struck, in as forcible a manner as I was, by the extreme contrast exhibited by the want of the commercial animation, the energy and activity that are so remarkable in all public and private works and improvements on the United States' side of the frontier, and the apathy, the general stagnation in the Canadas. Yet are the traders of Upper Canada and Montreal principally active English or Scotchmen ; they have capital ; they have a country possessing advantages, at least equal to those of the neighbouring States ; with that magnificent river, the St. Lawrence, and their fresh-water seas, to navigate. Whence this striking contrast ? I have not unfrequently heard it attributed, even by Englishmen, as well as by Americans, to the difference in the form of government under which the two countries are placed. But what a libel on our monarchy, that is co-existent with the greatest commercial empire of the world ! I have also been assured that colonies must, of course, be inferior in commerce and prosperity to the mother country ; that they always have been, and *ergo* always ought to be, under greater restrictions than the mother country. Is this 'an arrangement in favour of colonies remaining true to their father land ?

Let us shake off such ideas, received without

examination by those who have never witnessed their results. Let us abandon a routine, adopted from ignorance of its real effects, and hitherto because those effects have not been brought under notice, or felt on this side of the Atlantic.

There is nothing inherent in the nature of a colony, or at least in that of our North American colonies, that prevents a complete* participation in all commercial advantages. The only *authorities* that we have to the contrary, are the laws that exist to restrict their free action: on the same principle as the worthy Sir Matthew Hale affirms, that "there is no doubting the reality of witchcraft, seeing that divers acts of parliament have been passed to punish its practice." The existence of the present commercial regulations in the colonies by no means proves their utility.

What does Mr. Ellice say?† "One of the greatest causes of discontent in Canada was, that all improvement stood still. Nothing could surprise a stranger more, in passing from the State of New York into Canada, than to see the industry and activity on one side of the line, and the stagnation of all exertion on the other."

* Lord John Russell is undoubtedly right in saying (Debate of Jan. 16) that the Canadas would not gain by any treaty of commerce as an independent nation with England. *Quoad* English commerce, this is true; but as relates to intercourse with all the rest of the world, while preserving English commerce also, they would surely be gainers by a change.

† Debates of January 27.

This is perfectly correct ; but it is not a temporary state of things ; the contrast has existed for years. Again, Mr. Ellice says,* “ It is advisable to encourage navigation, the construction of harbours, quays, railways, &c., and the cultivation of lands, &c.” Quite true ; but open the colonies to foreign commerce, give them the same advantages in this respect as their neighbours, and the start they will take, backed as they will be by the capital and enterprise of England, —which would at once flow in and profit by the new field opened to it,—will surpass all expectations on the subject.

Nor would Great Britain be a loser by this. The freedom of commerce, in conjunction with a representation in the Parliament of England, will facilitate the solution of many difficult points. The colonies would cheerfully bear a far greater degree of taxation, because their sources of revenue would be immeasurably increased. The present duties on Baltic timber might then be done away with. Foreign ships would crowd the quays of our colonial ports, as they now do those of the Americans ; a new life would be infused into the colonies, and they would cheerfully contribute their share to the revenue of

* Vide also that clever and original production, “ The clock-maker,” more particularly relating to Nova Scotia and New Brunswick.

Great Britain, instead of being in some degree an expense to her, as at present.

But it may be objected that the Canadas would cease to be colonies,—*for* no colony ever was thus treated by England. And if they should, in one sense, cease to be colonies ; if they were to become an integral part of the empire—like Ireland, Jersey, or Guernsey — is this a result to be deprecated ?

We associate with the name of colonies certain restrictions and disabilities, (Spain formerly attached a good many more to her ideas of a colony, without much ultimate advantage,) and then suppose that they are necessarily inherent in them. “ Why do they call you a *waterman* ? ” asked a Yankee traveller of his ragged assistant to a hackney coach on the stand. “ Vy, ’cos I hopens the doors of the jarvies, and ’sists gemmen into cabs, to be sure.” The Canadas are colonies *ergo* cannot attain a high degree of general commercial prosperity. Such is the *non sequitur* that influences our idea of a colony.

That such important changes would require much organisation of the details that would be their necessary corollaries, is clear. This is the case in all improvements or reforms.

CHAPTER III.

Conduct and feelings of the United States with respect to Canada—Boundary Question—Tone of American press—Difficulties on the frontier—Summary.

A FEW words on the conduct of the United States in relation to the Canadas at the present juncture.

An idea has long existed among many in England that the United States look with longing eyes on the Canadas, and on our other North American provinces, and that they only await a favourable opportunity of adding them to their already vast territories. There are certainly many individuals, particularly near the colonial frontiers, who would be glad of the annexation of the provinces to the United States. But that the present government is desirous of obtaining possession of the Canadas, or that any government likely at present to succeed to that of M. Van Buren would wish to place the Canadas under their dominion, is a great mistake.

I well recollect conversations with some of those now occupying the highest offices in the United States, as well as with the leaders of the

opposite party, on the subject of the Canadas, and the result was a perfect conviction that so far from wishing such an event as the annexation of the Canadas, an amicable adjustment even, with the concurrence of Great Britain, of the question, by making over the Canadas to the United States (supposing no objection on the part of the Canadians) would have been to the last degree embarrassing.

It is easy to accuse men high in office in the United States of merely advancing a *nolo episcopari* on this or any occasion ; but independently of the conviction arising from the nature of their arguments and the knowledge of their opinions and characters, it only requires one to be acquainted with the difficult and delicate balance of power between the Northern and Southern States, and the jealousy with which certain questions are viewed throughout the United States, to perceive the reality of the reluctance expressed by the government to any annexation of the Canadas.

The United States have been accused of bringing forward the question of the boundary* be-

* The Times lately, in an article on the boundary question, very coolly recommends, that instead of continuing to negotiate on this troublesome question, England should advance a sum of money as an equivalent to the State of Maine for the *loss* of the territory in dispute. This mode of settling the dispute would doubtless be easy enough, inasmuch as it would be at once admitting that the State of Maine is right in her preten-

tween New Brunswick and the State of Maine, at a moment when its consideration was most likely to be embarrassing and inconvenient. In short, they are supposed to have wished to take advantage of their position.

Of this they must be, however, completely acquitted. Long before the late insurrection began in Canada, the State of Maine had sent a deputation to the president of the United States,

sions, and that the property in the land is no longer *disputed*, but is to be bought from her. Without referring to the fact that it is only with the general government that we can treat—if Maine only requires a compensation for her supposed and quite inadmissible claims on the territory—let the United States government pay her an equivalent, not Great Britain. If the machinery of the government of the United States is not found to answer when in contact with foreign powers—if the rights of the general or state governments are so nearly incompatible as to require measures of compensation and remuneration to prevent their mutual clashing and counteraction—surely it is not for us to pay the penalty of the imperfections of the American system as affecting their foreign relations.

The best and most succinct *exposé* of this whole question, and of its *status quo*, is to be found in Lord Palmerston's instructions to Mr. Fox towards the end of last year, lately published.

In all questions with America we must be on our guard against exorbitant pretensions. When Mr. Canning, in an off-hand gentlemanly way, proposed to split the difference between the American claims and the amount as computed by our commissioners for compensation for liberated slaves, (awarded by the arbitration of the Emperor of Russia,) it was found (the arrangement being unwillingly accepted) that several thousand dollars remained beyond the sums declared due by the United States commissioners to the American claimants, for which no shadow of a title existed. It was paid into the United States Treasury as an unclaimed surplus.

instructed by their state government to use very strong language on the subject of enforcing their views of the boundary question. Subsequently the State of Maine did not cease to urge the General Government, and even to threaten proceeding to positive acts of aggression, or at least to attempt taking legal possession of the disputed territory, in case the question were not immediately decided. The United States government was forced into a correspondence on the subject before the disturbances in Canada broke out. That it continued (as it of course will until the dispute be finally adjusted) simultaneously with the late events in Canada, was accidental.

But not only the government of the United States has shown its desire (that it has not the power is to be regretted) to prevent any hostile movements of the Americans against Canada, but a great part of the public press, so powerful in America, has taken the fairest view of the whole subject. Some of the best arguments on the English side of the question are to be found in different American papers. It would far exceed the limits of this pamphlet to quote the articles alluded to, although well worth a reference. I shall, however, cite some passages from a series of articles in the *New York Journal of Commerce* of January last, on the *vexata questio* of whether the Legislative Council in Canada should be elective or not:—

" All persons who are acquainted with the condition of Lower Canada during the last fourteen years know that if that system had existed and all other matters been precisely similar in exterior things, that province long ere this time must have been ruined," &c. &c. &c.

" That (the Legislative) Council has been the grand obstacle to the subversion of the general welfare. It was the remark of one of our own most sagacious statesmen, Thomas Jefferson, that ' circumstances sometimes even occur in this republic, which induced him to doubt whether the large majority of any people were sufficiently virtuous and enlightened for self-government.' Now, if this decision be correct in reference to our States, what must be the condition of the Canadians, to whom a newspaper and political disquisitions, and a correct, or indeed any just comprehension of public affairs, are just as strange as to the inhabitants of Timbuctoo?"

And again,

" The British ministry have displayed equal wisdom and regard to that province in stedfastly refusing all the propositions which have been made upon that topic. Were the imperial government to accede to that claim, (for an elective council,) as the province is now situated, they would sign the death-warrant of Upper and Lower Canada, so far as the commerce of the former depends upon the transit by the River Lawrence."

In another paper, speaking of the possibility of a general Indian war on their frontier, of which the difficulties would be fearfully aggravated by a war with Great Britain, the writer says,

" We are free to say that at present we have little fear of a war with Great Britain,—because we are certain that both *governments* are honestly desirous of avoiding such a calamity, and because also we confide in the good sense of our *people* to put down the spirit of semi-hostility which has sprung up on the frontier, in connexion with the attempted revolution in Canada. Nevertheless, the suddenness with which we have been brought to contemplate such an event as more than possible, must convince us of the utter folly and madness of leaving

ourselves without protection against such contingencies. We ought at least to have spare men enough to fire a salute, on the entrance of a foreign ship of war into the principal port in the Union; which is more than we had when a French government ship arrived here soon after the adjustment of our late difficulty with that country; we ought also to be able to spare a few men for exposed points, such as the frontier of Maine has been for the last two years, and as other portions of our northern frontiers now are; and finally, we ought to have a force able to co-operate with the navy in any enterprise which might result from a war with Mexico or any other power."

Some diplomatic* discussion is to be apprehended with the United States in relation to the affairs of Canada. With the best intentions on the part of their government, acts of outrage have been committed by citizens of the United States against Great Britain; in self-defence, and in the repression of these outrages, the Canadians have, in point of *form*, say the Americans, on one occasion, violated that neutrality which had, in fact, been violated by the people of the United

* Those who distrust Lord Durham's diplomatic experience, may be reassured by recollecting that we have a mission in able hands at Washington, whose province will be that part of the negociation. If Lord Durham did not succeed, as has been affirmed, in some late delicate negotiations with the court of St. Petersburg, it must be recollected that no man can be expected to have intuitive knowledge or experience of the details of a profession. If men are to be thrust into diplomacy, and sent to the court the most distinguished for astute and tortuous policy of any in Europe as their *coup d'essai*, the result must be attributed to the system pursued by most of our ministers as to diplomatic appointments. Of the ability of Lord Durham there can be no question. The strongest minds may *once* be deceived by clever falsehoods.

States, on British territory repeatedly, and for weeks together.

It is true, the American government disavow the acts, but can they prevent them? If not, does not the law of nations authorise self-defence and protection of its own subjects by Great Britain, when the United States is unable to afford it? At any rate, as the United States government is sincere in wishing to avoid useless irritation on this question, they will not make a serious cause of complaint on a point which turns upon the question, whether a small—avowedly piratical—steamer had a rope fastened to the United States shore or not!

Could the American authorities have seized the steam-boat *Caroline*, and punished the perpetrators of the breach of neutrality and their abettors, there would have been no justification for the act of self-defence of the Canadians. But it would be too much to expect that from a punctilious observance of a national law, not enforced (however involuntarily) by the American government, the Canadians should be so far the dupes of their attention to decorum, as not to prevent their assailants from cutting their throats.

Whenever the United States government comes in immediate contact with foreign powers, it will be found extremely difficult, under the present form of government, to separate the individual character of masses of their people from that

of the general government, still further complicated by the pretensions of the separate state sovereignties. The law of nations, as it stands, has been found generally sufficient for the purposes of intercourse between European governments; but either an express modification of that law, or of those of the United States, will be ultimately necessary, or unfriendly collision between the United States and every other country with which she may come in contact, is likely to be the result.

To resume.—The great means of successfully remodelling the government of the colonies appear to be—

1st. The incorporation with the mother country, and the endeavour to anglicise the whole population.

2dly. The freedom from any other commercial restrictions than such as are imposed on Ireland, or any other integral part of the British empire.

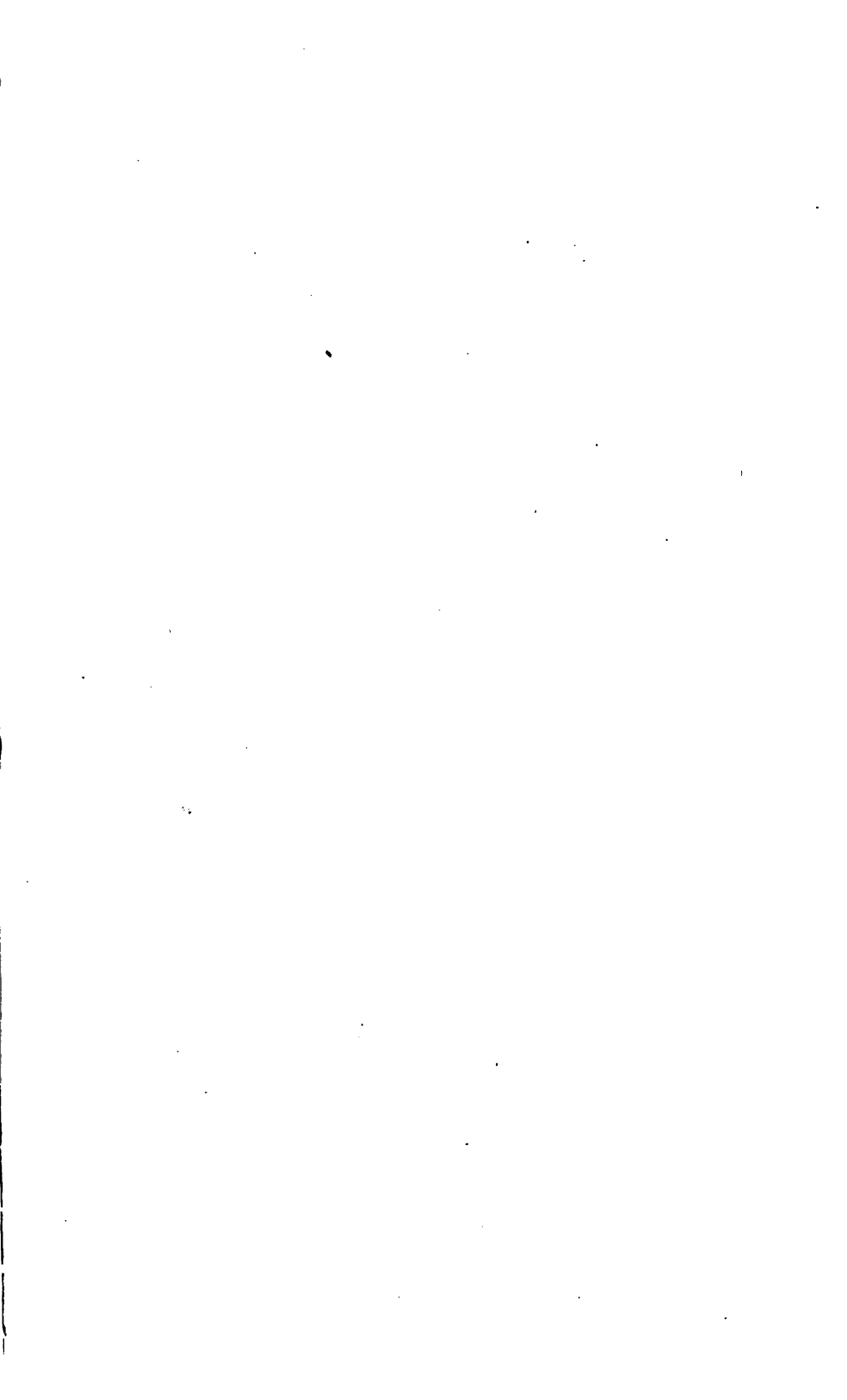
Whether, in carrying into execution these main points, it be found advisable to have a general representation in the colonies, or that they should send members to the English Parliament, are grave subjects of reflection and consideration, but on which judgment should rather be formed by those to whom it belongs, when in the colonies, than on this side of the Atlantic.

M. N. O.

London, 13th April, 1838.

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